

MINUTES  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday June 1, 1999

DIVISION TWO

**A079478 -- The People v. David Reynolds.**

By the Court: The written opinion filed April 29, 1999, is modified in the following respects: (SEE ORDER.) The petition for rehearing is denied. Kline, P.J.

**A079626 -- Stanford Horn v. Cushman & Wakefield Western, Inc.**

By the Court: The written opinion filed on May 6, 1999, is certified for publication. Kline, P.J. We concur: Lambden, J., Ruvolo, J.

MINUTES  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday June 2, 1999

DIVISION ONE

**A082326-Zoltan Incze v. Bechtel Power Corporation et al.**

As summary adjudication of each of appellant's causes of action was proper, the trial court correctly granted summary judgment to respondent. We find that we need not determine whether appellant would be entitled to punitive damages were he to prevail. The judgment is affirmed. Stein, Acting, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A081941 -- Allen White v. Hewlett Packard et al.**

The trial court's order granting summary judgment is affirmed in all respects. Costs on appeal are awarded to respondent. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A080873 -- Lane Jenkins v. State Compensation Insurance Fund.**

The Court: It is ordered that the opinion filed on May 7, 1999, be modified in the following particulars: (SEE ORDER.) The above changes do not reflect a change in the judgment. Kline, P.J.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday June 3, 1999

DIVISION ONE

**A083968 -- The People v. Samuel H. Tucker.**

We accordingly reverse the judgment in part and remand the case to the trial court for the limited purpose of resentencing of appellant and recalculating his presentence credits in accordance with the views expressed herein. In all other respects the judgment is affirmed. Swager, J. We concur: Stein, Acting, P.J., Marchiano, J. (Not for Publication.)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Thursday, June 3, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness, P.J., Parrilli J., Walker J., and I. Calanoc, Deputy Clerk.

A078777      Adhesive Coatings Company, et al.,

v.

Triad Transports.

Cause called and argued by William Frederick Gutierrez, counsel for appellants, and Charles Perkins, counsel for respondents. McGuiness, J. announced list of panel as McGuiness, P.J., Parrilli, J. and Walker, J. Cause ordered submitted.

A083589      In re Jose P.,  
The People

v.

Jose P.

Cause called and argued by Robert Lawrence Angres, counsel for appellant, and Deputy Attorney General Clifford Thompson, counsel for respondent. McGuiness announced list of panel as McGuiness, P.J., Corrigan, J. and Walker, J. Cause ordered submitted.

A080758      In re Anthony J.,  
The People,

v.

Anthony J.

Cause called and argued by L. Richard Braucher, counsel for appellant, and Deputy Attorney General Seth K. Schalit, counsel for respondent. McGuiness announced list of panel as McGuiness, P.J., Parrilli, J and Walker, J. Cause ordered submitted.

A081259 Samuel G. Ware, et al.  
v.  
American General Life Insurance Company.  
Cause called and argued by Sam Ware, counsel for appellant, and Robert  
D. Phillips, counsel for respondent. McGuiness announced list of panel as  
McGuiness, P.J., Corrigan, J. and Walker, J.  
Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday June 4, 1999

DIVISION ONE

**A081460 -- Babcock & Brown Aircraft Management Inc. v. Marine Midland  
Business Loans Inc., et al.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J.  
(Not for Publication.)

DIVISION TWO

**A078766 -- Pauline Johnston v. James Rego, et al.**

The judgment is modified to strike the award of compensatory and punitive  
damages; in all other respects, the judgment is affirmed. Haerle, J. We concur: Kline,  
P.J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A081971 -- Sally Atkins Reid v. Ferrari, Alvarez, Olsen & Ottoboni et al.**

The judgment is affirmed. Costs to respondents. Corrigan, J. We concur:  
McGuinness, P.J., Walker, J. (Not for Publication.)

**A085553 -- Donald M. Wanland, Jr. et al. v. A.G. Edwards & Sons, Inc., et al.**

Respondents' motion to dismiss the appeal is granted. Respondents' motion for  
sanctions is denied. Corrigan, Acting, P.J. We concur: Parrilli, J., Walker, J. (Not for  
Publication.)

Friday June 4, 1999 (continued)

DIVISION FOUR

**A082289 -- Lucille Brock, Individually and as Successor in Interest, etc. v. County of Contra Costa.**

For all the foregoing reasons, the judgment of the trial court is affirmed. Costs to respondent. Sepulveda, J. We concur: Hanlon, P.J., Reardon, J (Not for Publication.)

DIVISION FIVE

**A086272 -- Katherine B. v. The Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.**

**A086273 -- Ray B. v. Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.**

**A086274 -- Victor B. v. The Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.**

The petition of Victor B. is dismissed. The consolidated petitions of Katherine B. and Ray B. for extraordinary writ review are denied on their merits. (Cal. Const., art. VI, § 14; rule 39.1B (*o*); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioners are barred in any subsequent appeal from making further challenges to the order setting a hearing under section 366.26. (§ 366.26, subd. (*l*).) The stay of the section 366.26 hearing is lifted. Because the section 366.26 hearing was originally set for May 21, 1999, our decision is final as to this court immediately to allow the section 366.26 hearing to proceed forthwith. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday June 7, 1999

DIVISION TWO

**A079997 -- The People v. Frank John Arnold.**

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

**A086732 -- In re Darrion P., a Person Coming Under the Juvenile Court Law.**

The petition for writ of mandate is granted. The juvenile court is directed to vacate its order setting a section 366.26 hearing, and to enter a new and different order resuming the 12-month review status of the case. This opinion is final as to this court forthwith per California Rules of Court, rule 24(d). Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

DIVISION FIVE

**A084661 -- In re Allen B., a Person Coming Under the Juvenile Court Law.**

Appellant received due process and a fair hearing. The juvenile Court's findings are amply supported by substantial evidence, and there was no abuse of discretion by the trial court in placing appellant outside his parents' home. We therefore find no arguable issues on appeal. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)



Monday June 7, 1999 (continued)

**A084110 -- The People v. Salvador Alcaraz Ambriz.**

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A082541 -- The People v. Jony L. Duckworth.**

The trial court is directed to prepare and transmit to the department of corrections a modified abstract of judgment reflecting an additional 25 days actual credits and 4 days conduct credits. The judgment is otherwise affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday June 8, 1999

DIVISION TWO

**A083431 -- In re Hassan A., a Person Coming Under the Juvenile Court Law.**

The jurisdictional and dispositional orders are affirmed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A080570 -- The People v. Severin Yanwing Yu.**

The judgment is affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A086619 -- James J. v. The Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.**

The petition for extraordinary writ is denied on the merits. Walker, J. We concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

**A084807 -- In re Brian G., a Person Coming Under the Juvenile Court Law.**

Affirmed. Walker, J. We concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

**A083365 -- In re Gally C., a Person Coming Under a Juvenile Court Law.**

The dispositional order is affirmed. Parrilli, J. We concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

**A086622 -- In re Rocky B., a Person Coming Under the Juvenile Court Law.**

The petition is denied on the merits. Parrilli, J. We concur: McGuinness, P.J., Walker, J. (Not for Publication.)

Tuesday June 8, 1999 (continued)

**DIVISION FIVE**

**A083166/A083631 -- Lawrence S. Krain v. Medical Board of California.**

**A084008 -- Lawrence S. Krain v. The Superior Court of the City and County of San Francisco; Medical Board of California, R.P.I.**

By the Court: It is ordered that the opinion filed herein on May 10, 1999, be modified as follows: (SEE ORDER.)

The petition for rehearing is denied. This order does not effect a change in the judgment. (Certified for Partial Publication.)

**A084900 -- The People v. Phillip Stephens.**

The judgment is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

**A084387 -- Navin Patel et al., v. Essex Insurance Company.**

The judgment of the trial court is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION FOUR

Tuesday, June 8, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Reardon, J. and Sepulveda, J.; Channing Hoo, Deputy Clerk; Terry Tracy, Bailiff.

A083513     Jacob Ryan Horton et al.  
              v.  
              Conard House, Inc.  
Lawrence Bragman argued for appellants Horton et al. Dana Sankary argued for respondent. Submitted.

A082731     George R. Lagomarsino et al.  
              v.  
              Town of Colma  
Albert E. Polonsky argued for appellants Lagomarsino et al. Roger Peters argued for respondent. Submitted.

A085878     Tangela H.  
              v.  
              Superior Court, Solano County  
              Solano County Health & Social Services Dept.  
Paula Hensley argued for petitioner. Charles Wood argued, through telecon, for real party in interest. Submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Poche, J. and Sepulveda, J.

A081423     People  
              v.  
              Samuel E. Austin  
Scott Sugarman argued for appellant Austin. Richard Rochman argued for respondent. Submitted.

A081794     People  
              v.  
              Enox Israel Castro et al.  
              John Halley argued, through telecon, for appellant Castro. Stephen  
              Matchett argued for appellant Martinez. John Vance, Jr. argued for  
              respondent. Submitted.

A082102     In re Rory W., a minor.  
              Social Services Agency  
              v.  
              Eugenia W.  
              Julia Ten Eyck argued for appellant Eugenia W. Ellen Forman argued for  
              respondent. Submitted.

At this point, the court reconstituted itself to include Hanlon, PJ, Poche, J.  
and Reardon, J.

A079503     People  
              v.  
              Marvin N. Read  
              Stewart Pollack argued for appellant Read. Lisa Ashley argued for  
              respondent. Submitted.

The court adjourned at 12:23 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday June 9, 1999

DIVISION TWO

**A079094 -- Neil Stammer et al. v. Pier 39 Limited Partnership.**

The judgment is affirmed. Plaintiffs are awarded costs on Pier 39's appeal, and Pier 39 is awarded costs on Stammer's cross-appeal. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A083231 -- Burle Southard et al., v. Solano County.**

The order awarding fees is affirmed. Costs on appeal are awarded to Southard. Southard's motion for attorney fees on appeal is denied without prejudice. Parrilli, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A082442 -- In re the Marriage of Harold J. Rucker, Jr. and Tina Dyer.**

The judgment is affirmed. Motions for sanctions denied. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

**A074282 -- Industrial Indemnity Company et al., v. Apple Computer, Inc.**

The trial court's order awarding attorneys' fees to Apple is reversed. The parties shall bear their own costs on appeal. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

Wednesday June 9, 1999 (continued)

**A080536 & A080553 -- Patrick Genzale, Jr. et al., v. Zenzi's Beauty College, Inc., et al.**

The judgment is affirmed. The parties shall bear their own costs on appeal. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

DIVISION FIVE

**A084356 -- Jack L. Clemes v. Commission on Professional Competence; Del Norte County Unified School District, R.P.I.**

The trial court's denial of the petition for writ of mandate is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

**A086620 -- Phillip M. v. The Superior Court of Alameda County, Alameda County Social Services Agency, R.P.I.**

The stay of the section 366.26 hearing is lifted. The petition for extraordinary writ review is denied on its merits. (Cal. Const., art. VI, § 14; rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the order setting a hearing under section 366. 26. (Subd. (l).) Because the section 366.26 hearing was originally set for May 7, 1999, our decision is final as to this court immediately to allow the section 366.26 hearing to proceed forthwith. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A080108 -- Melvin Hendrickson et al v. Zurich American Insurance Company of Illinois et al.**

The judgment is reversed. Costs to appellants. Haning, J. We concur: Jones, P.J., Stevens, J. (Certified for Partial Publication)

**A084233--Maria Serrano-Smith v. County of Sonoma et al.**

The appeal is dismissed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Wednesday, June 9, 1999

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Swager, J., and Marchiano, J.; N. Millner, Deputy Clerk; and CHP Officer E. Swanson, Bailiff.

A077922     The People,  
              v.  
              Robert Lee MacShate et al.  
Cause called and argued by Michael Satris, counsel for appellant Adams; Barry P. Helft, counsel for appellant MacShate; and Greg Ott, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A083580/     The People,  
A085793     v.  
              Hong Van Vo;  
              In re Vo on Habeas Corpus.  
Cause called and argued by Deborah Wald, counsel for appellant, and David Salmon, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A083858     Ohene Boakye-Yiadom,  
              v.  
              Ciy & County of San Francisco.  
Cause called and argued by Ohene Boakye-Yiadom, appellant in pro per, and Evan H. Ackiron, Deputy City Attorney, counsel for respondent. Cause ordered submitted.

A083864     Frederick D. Helversen,  
              v.  
              Melvin D. Honowitz et al.  
Cause called and argued by Arthur Leinwohl, counsel for appellant, and Steven Wasserman, counsel for respondents. Cause ordered submitted.



A084039      Manuel Chavez et al.  
v.  
Pacific Gas and Electric Company.  
Cause called and argued by Michael Trezza, counsel for appellants, and  
Stephen Jones, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Wednesday, June 9, 1999

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Marchiano, J.; B. Robbins, Deputy Clerk; and CHP Officer E. Swanson, Bailiff.

- A075827/  
A079005      The People,  
                  v.  
                  Alan James Winters.  
Cause called and argued by Richard Such, counsel for appellant, and Karl Mayer, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A083081      Regina Birkner,  
                  v.  
                  Pacific Gas and Electric Company.  
Cause called and argued by Nicholas Heldt, counsel for appellant/cross-respondent, and John Nash, counsel for respondent/cross-appellant. Cause ordered submitted.
- A083913      Charles L. Light,  
                  v.  
                  State Bar of California et al.  
Causes called and argued by Charles L. Light, appellant in pro per, and Dina Goldman, counsel for respondent. Cause ordered submitted.
- A084339      William J. Fisette,  
                  v.  
                  Sally Reed.  
Cause called and argued by Mark Johnson, Deputy Attorney General, counsel for appellant, and Linda McNiel, counsel for respondent, via teleconference. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Strankman left the bench and Justice Swager joined the bench. Justice Stein presided over the next two cases.

A083729     The People,  
                 v.  
                 Ricardo Jose Estrada.  
Cause called and argued by Ande Thomas, counsel for appellant, and Ross C. Moody, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A083016     Lauren Beckman,  
                 v.  
                 Georgia-Pacific Corporation et al.  
Cause called and argued by Joseph Baxter, counsel for appellant, and Charlotte Addington, counsel for respondents. Cause ordered submitted.

Court recessed until Thursday, June 10, 1999 at 9:00 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday June 10, 1999

DIVISION ONE

**A082999 -- The People v. Marvin Bolanos.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A083291- -The People v. Barbara Ann Robertson.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A086738 -- In re Carl R., a Person Coming Under the Juvenile Court Law.**

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal. App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for July 26, 1999. Therefore, our decision is final in this court immediately. Stein, Acting, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A084683 -- Randolph A. Zubiate v. Zilda Santos McCausland.**

The judgment is affirmed. Stein, Acting P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

Thursday June 10, 1999 (continued)

**A083111 -- Richard H. Kulka v. Commercial Mortgage Data Service, Inc. et al.**

The order is affirmed. Kulka is entitled to his costs on appeal. Moreover, although a copy of the original lease agreement is not part of the appellate record, it appears that the lease contains a provision entitling Kulka to attorney fees. If so, Kulka is entitled to recover his reasonable attorney fees incurred in responding to this appeal. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A084312 -- The People v. Antonio Dersjoun Kizart.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

## DIVISION TWO

**A085122 -- The People v. Dorian Rednus.**

Finding no arguable issues to be briefed, we affirm the judgment. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

## DIVISION THREE

**A078777 -- Adhesive Coatings Company v. Triad Transport, Inc.**

The judgment is affirmed. Costs on appeal are awarded to Triad. McGuiness, P.J. We concur: Parrilli, J, Walker, J. (Not for Publication.)

**A081259 -- Samuel G. Ware et al., v. American General Life Insurance Company.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

Thursday June 10, 1999 (continued).

**A083589 -- In re Jose P., a Person Coming Under the Juvenile Court Law.**

The juvenile court's finding that appellant personally inflicted great bodily injury on Juan B. within the meaning of section 12022.7 is affirmed. In all other respects, the judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

**A083495 -- The People v. Lorenzo Hays-Phillips.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

**A076921 -- Goldie Prinz v. Farmers' Insurance Exchange et al.**

Plaintiff offers no challenge to the judgment insofar as it resolved the remaining claims in favor of defendants. She expressly declines to press the other claims which were eliminated by summary adjudication, and we can conceive of no basis to suppose that the contract and breach of covenant claims rejected at trial were adversely affected by the error we address on this appeal. We will therefore limit our reversal to the FEHA claims, together with such amendments to the pleadings as may properly be allowed.

The judgment is affirmed with respect to the second, fifth, sixth, seventh, ninth, tenth, and eleventh causes of action. The judgment is reversed with respect to the first, third, fourth, and eighth causes of action. The trial court is directed to set aside its order granting summary adjudication on those causes of action, and to conduct such further proceedings with respect to those causes of action as are consistent with this opinion.

Plaintiff will recover her costs on appeal. Sepulveda, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

**A082731 -- George R. Lagomarsino et al., as Trustees etc., v. Town of Colma.**

The judgment is affirmed. Costs to respondent. Sepulveda, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Thursday June 10, 1999 (continued)

**A080125 -- Van Ness Associates, Ltd., v. Mitsubishi Bank, Ltd. et al.**

For all the foregoing reasons, the judgment of the trial court is affirmed in its entirety. Costs to respondents. Sepulveda, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**A078387, A080685 Sierra Club Foundation v. Ray A. Graham III.**

We affirm the judgment (A080685) and reverse the sanctions order (A078387). Reardon, J. We concur: Poché, Acting P.J., Sepulveda, J. (Certified for Publication.)

Thursday June 10, 1999 (continued)

DIVISION FIVE

**A083305 -- In re Stormy S., a Person Coming Under the Juvenile Law.**

The order terminating parental rights and placing the minors for adoption is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

**A083197 -- The People v. Luther Ed Jones, Jr.**

The concurrent sentence imposed on count V is ordered stayed, such stay to become permanent upon completion of the sentences imposed on counts I, II III, IV, and VI. The trial court is directed to submit a corrected copy of the abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)



CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Thursday, June 10, 1999

The Court reconvened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein J., and Swager, J.; N. Millner, Deputy Clerk; and CHP Officer E. Swanson, Bailiff.

A082661     The People,  
              v.  
              Brendan Loftus.  
Cause called and argued by Dennis Riordan, counsel for appellant, and Bruce Ortega, Deputy Attorney General, counsel for respondent. During argument, a fire alarm went off in the building, causing evacuation of the courtroom. Court recessed until 10:00 a.m., at which time court reconvened and argument continued. Cause ordered submitted.

A081790     The People,  
              v.  
              Ryan Marshall Lynn.  
Cause called and argued by LuAnn Steele, counsel for appellant, and Christina Kuo, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A080339     The People,  
              v.  
              Mark Alan Howard.  
Cause called and argued by Stephen Bedrick, counsel for appellant, and Gregg E. Zywicke, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A083593     Alvin Francis,  
              v.  
              Waste Management of Alameda County et al.  
Cause called and argued by Peter Johnson, counsel for appellant, and Scott Lawson, counsel for respondents. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday June 11, 1999

DIVISION ONE

**A082952 -- George B. Mitroff v. United Services Automobile Association.**

The trial court did not err in granting summary judgment . The judgment is affirmed. Marchiano, J. We concur: Strankman, P.J., Stein, J. ((Certified for Partial Publication.))

**A082640 -- The People v. Harrison Wills, Jr.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A084574 -- Andrew Barlow et al., v. Pete Wilson as Governor, etc., et al.**

Accordingly, the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Certified for Publication.)

DIVISION FOUR

**A078720 -- The People v. Oliver James Evans, Jr.**

For the foregoing reasons the judgment of conviction, including the sentence imposed, is affirmed. Sepulveda, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

Friday June 11, 1999 (continued)

**A085878 -- Tangela H., V. The Superior Court of Solano County; Solano County Health and Social Services Department, R.P.I.**

**A085879 -- Robert B., v. The Superior Court of Solano County; Solano County Health and Social Services Department, R.P.I.**

**IV. Conclusion**

In action numbers A085878 and A085879, the order denying Tangela's and Robert's petitions for modification of dependency orders for changed conditions (§ 388) complies with the governing law and is supported by substantial evidence. The juvenile court's orders regarding reunification services and setting a permanent placement hearing are affirmed. The petitions for extraordinary writs are denied on the merits. (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024). The stays previously issued are dissolved. Our decision is final in this court immediately. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

**A084994 -- In re Jermaine P., a Person Coming Under the Juvenile Court Law.**

Judgment affirmed. Reardon, J. We concur: Poché, J., Sepulveda, J. (Not for Publication.)

**A085946 -- The People v. David Moreno.**

The judgment is affirmed. Sepulveda, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Friday June 11, 1999 (continued)

DIVISION FIVE

**A082595 -- Mary Griffin v. Fire Insurance Exchange et al.**

The summary judgment is reversed. Costs to appellant. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A083500 -- The People v. Rudolph Casillas.**

We affirm the sentence, but remand for the issuance of a new abstract of judgment, including calculation of custody credits. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday June 14, 1999

DIVISION TWO

**A084263 -- Erickson, Inc., et ., v. Remedial Constructors, Inc., et al.**

The trial court's order denying Old RCI and Litchfield's motion to compel arbitration is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A081758 -- Thomas G. Atwood et al., v. Town of Colma et al; Rene Medina et al., R.P.I.**

The judgment of the trial court is affirmed. Ruvolo, J. We concur; Kline, P.J., Lambden, J. (Not for Publication.)

DIVISION THREE

**A081959 -- John J. Merola v. Homestake Mining Co.**

The judgment is affirmed. Homestake shall recover its costs on appeal. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

DIVISION FOUR

**A083183 -- In re Marriage of Richard Olmstead and Kathleen Doyle**

. For all the foregoing reasons, the judgment of the trial court is affirmed. Respondent shall recover her costs. Sepulveda, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

Monday June 14, 1999 (continued)

**A085336 -- The People v. Donald Francis Phillips.**

The order is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**A080297, A080482 -- Automotive Clinic, Inc., et al v. Department of Consumer Affairs.**

The Court: It is ordered that the opinion filed herein on May 14, 1999, be modified in the following particular: (SEE ORDER): There is no change in the judgment. Appellants' petition for rehearing is denied. Hanlon, P.J. (Not for Publication.)

**A082102 -- In re Rory W. and Kajonha W., Persons Coming Under the Juvenile Court Law.**

The order after the 18 month review hearing is affirmed. Hanlon, P.J. We concur: Poché, J., Sepulveda, J. (Not for Publication.)

DIVISION FIVE

**A082600 -- The People v. Anthony Hoskins.**

The judgment is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, June 15, 1999

DIVISION TWO

**A083931 -- The People v. Lawrence Alford Draut.**

The order of the trial court reducing the restitution award is reversed, and the case is remanded for entry of a restitution order awarding the full amount lost by the victims of Draut's crimes, to wit \$1,145,186.60. Haerle, Acting, P.J. We concur; Lambden, J., Ruvolo, J. (Not for Publication.)

**A086281 -- Minnora J., v. The Superior Court of Alameda County;  
Alameda County of Social Services, R.P.I.**

The petition for extraordinary relief is denied on the merits. Our decision is final as to this Court immediately. (Cal. Rules of Court, rule 24(d).) The temporary stay previously imposed is lifted. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A082498 -- Nicolette Rivera v. City and County of San Francisco, et al.**

The summary judgment as to the City is reversed, and the case remanded for further proceedings consistent with this opinion. Appellant shall recover from the City her costs on appeal related to the grant of summary judgment in favor of the City. The summary judgment as to the School District is affirmed. The School District shall recover its costs on appeal from appellant. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

Tuesday June 15, 1999 (continued)

**A083302 -- In re Derek D., a Person Coming Under the Juvenile Court Law.**

The matter is remanded for further proceedings in accordance with this opinion. In the event that the trial court finds appellant incompetent, the proceedings in the juvenile court shall be vacated. In the event the trial court concludes either that no competence hearing is required or that appellant was mentally competent, the judgment shall be affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A080758 -- In re Anthony J., a Person Coming Under the Juvenile Court Law.**

The dispositional order is affirmed. Parrilli, J. We concur: McGuinness, P.J., Walker, J. (Certified for Publication.)

**A084369 -- Allen Turk v. Charles C. Plummer et al.**

The judgment is affirmed. Corrigan, J. We concur: McGuinness, P.J., Walker, J. (Not for Publication.)

DIVISION FOUR

**A082545 -- Alpine Insurance Company v. Russell Planchon et al.**

The Court: The request of counsel for respondent Russell Planchon for publication of this court's May 25, 1999, opinion is granted and it is hereby ordered that said opinion be published in the Official Reports. Poché, Acting P.J.



Wednesday June 16, 1999 (continued)

DIVISION FIVE

**A083922 -- The People v. Juan Pablo Ramos.** The judgment is affirmed.  
Stevens, J. We concur; Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday June 16, 1999

DIVISION ONE

**A083343 -- The People v. Larry Pierson Mitchell.**

The judgment is affirmed. The trial court is directed to forward a copy of the corrected abstract of judgment to the Department of Corrections. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

**A084339 -- William J. Fisette v. Sally Reed, Director, etc.**

The order granting respondent Fisette's petition for writ of mandate is reversed. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

**A083858 -- Ohene Boakye-Yiadom v. City and County of San Francisco.**

The judgment is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A083864 -- Frederick D. Helversen v. Melvin D. Honowitz et al.**

The judgment is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A083593 -- Alvin Francis v. Waste Management of Alameda County et al.**

The judgment is reversed. The trial court is directed to grant defendants' alternative motion for summary adjudication as to the first, second, third, fourth, and fifth causes of action, and to deny the motion for summary judgment and summary adjudication as to the sixth cause of action for racial harassment. The parties shall bear their own costs on appeal. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

Wednesday June 16, 1999 (continued)

DIVISION TWO

**A087105 -- In re Kevin Lee Barrios, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A087133 -- In re Dwight McCullough on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A087205 -- Naheed Mangi v. The Superior Court of Alameda County;  
Daniel Goldstein, et al., R.P.I.**

By the Court: The petition for writ of mandate/prohibition/stay is denied.  
Kline, P.J.

DIVISION THREE

**A069077 -- Herbert Fischbach v. Thomas Edward Lantz.**

The judgment is reversed. The cause is remanded with directions to hold a new hearing pursuant to Code of Civil Procedure section 585 to determine the damages to be awarded Fischbach on his first amended complaint. Respondent Lantz shall pay all costs on appeal. McGuiness, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, June 16, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P. J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A081780     The People  
              v.  
              Efran Figueroa  
Cause called and argued by Gary S. Garfinkle, counsel for appellant and Dawn Hendrickson, Certified Law Student, counsel for respondent. Cause ordered submitted.
- A082212     Eldetco, Inc.  
              v.  
              Pocino Foods Company, Inc.  
Cause called and argued by David Phillips, counsel for appellant and Michael P. Terrizzi, counsel for respondent. Cause ordered submitted.
- A082327     Wilson Stephens  
              v.  
              City and County of San Francisco, et al.  
Cause called and argued by Jack Siedman, counsel for appellant and Owen Clements, Deputy City Attorney, counsel for respondent. Counsel for appellant granted 5 days in which to file a supplemental letter brief. Counsel for respondent granted 2 days thereafter to file a response, whereupon, cause to be deemed submitted.

At this point in the proceedings, Justice Lambden left the bench and Justice Haerle joined the bench.

A080861 Pareto Partners, Ltd.

A082543 v.

Inktomi Corporation

Cause called and argued by Douglas M. Schwab, counsel for appellant and Daniel Bergeson and Anthony Glassman, counsel for respondents. Causes ordered submitted.

Court recessed until Thursday, June 17, 1999 at 9:30 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday June 17, 1999

DIVISION ONE

**A075827/A079005 -- The People v. Alan James Winters.**

The order in Solano County Case No. C33936 is affirmed. In Contra Costa County Case No. 951094-2, that portion of the judgment finding the enhancement allegations under sections 667.61 and 667.71 true is reversed and the judgment is modified by striking those enhancements; as modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward a copy to the Department of Corrections. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

**A083913 -- Charles L. Light v. The State Bar of California et al.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

**A082241 -- Henry Grausz et al., v. H. Lee Evans et al.**

The portion of the judgment awarding punitive damages is reversed. In all other respects, the judgment is affirmed. Each side shall bear its costs. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

**A082630 -- The People v. David D. Cepeda.**

The judgment (order) is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Thursday June 17, 1999 (continued)

**A083837 -- The People v. Ronald Austin.**

The conviction and eight-month sentence for burglary on count 3 are reversed, and the sentence is modified further to reflect an unstayed and consecutive subordinate term of eight months for the fraudulent acquisition offense in count 2. The judgment is otherwise affirmed, and the superior court shall direct the preparation of an amended abstract of judgment. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A075133 -- Steiny and Company, Inc., v. Citicorp Real Estate, Inc.**

By the Court: It is ordered that the opinion filed May 18, 1999, be modified in the following particulars: (SEE ORDER.) There is no change in the judgment. The petition for rehearing is denied. McGuiness, P.J. (Certified for Publication.)

**A083308 -- Joan Caputi et al., v. Alice B. Girvin.**

The judgment is affirmed. Corrigan, J. We concur: McGuiness, P.J., Walker, J. (Not for Publication.)

**A086478 -- Ray G., v. The Superior Court for the County of San Francisco; San Francisco Department of Human Services et al.**

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The request for stay of the section 366.26 hearing, which is set for June 30, 1999, is denied and the order terminating visitation is affirmed. Our decision is immediately final as to this court. (Cal. Rules of Court, rule 24(d).) Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

Thursday June 17, 1999 (continued)

DIVISION FOUR

**A079018 -- Canary Juniel et al., v. Exxon Corporation.**

The judgment is affirmed. The cross-appeal is dismissed. Plaintiffs shall recover their costs on appeal. Sepulveda, J. We concur: Poché Acting P.J., Reardon, J. (Not for Publication.)



MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Thursday, June 17, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P.J., Haerle, J., Lambden, J., and I. Santos, Deputy Clerk.

A080943     The People,  
              v.  
              James Anthony Jackson.  
Cause called and argued by Thomas Schaaf, counsel for appellant, and Deputy Attorney General, Ronald Niver, counsel for respondent. Cause ordered submitted.

A080889     The People,  
              v.  
              Kenneth Cunha.  
Cause called and argued by Sara Ruddy, counsel for appellant, and Deputy Attorney General, Christina Kuo, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Kline left the bench and Justice Ruvolo joined the bench.

A082974     Virginia Martinez,  
              v.  
              Pinnacle Management Company.  
Cause called and argued by Judeann Conry, counsel for appellant, and Coleen Hoy, counsel for respondent. Cause ordered submitted.

A083829     Tam II,  
              v.  
              The Beenah Group, Inc., et al.  
Cause called and argued by William Davis, counsel for appellant, and Barry Meyer, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Haerle, J., Lambden, J. and I. Santos, Deputy Clerk.

- A083395     The People,  
                 v.  
                 Robert Van Orden Butler.
- A086494     In Re Robert Van Orden Butler on Habeas Corpus.  
                 Cause called and argued by Robert Riggs, counsel for appellant, and  
                 Deputy Attorney General, Lisa Ashley, counsel for respondent. Cause  
                 ordered submitted.
- A084372     Julie Mazzamuto et al.,  
                 v.  
                 Alice N. Bartle.  
                 Cause called and argued by Stuart Safine, counsel for appellant, and J.  
                 Gregg Riehl, counsel for respondent. Cause ordered submitted.
- A084642     Norbert A. Schueller,  
                 v.  
                 Orrin Carpenter.  
                 Cause called and argued by Norbert Schueller, in pro per, and Robert  
                 Kosloff, counsel for respondent. Cause ordered submitted.
- A084048     Faith Douangmala et al.,  
                 v.  
                 Caesar Chavez Elementary School et al.  
                 Cause called and argued by Daniel Payne, counsel for appellant, and  
                 Marleen Sacks, counsel for respondent. Cause ordered submitted.
- A077665     Robert Overly et al.,  
                 v.  
                 Ingalls Shipbuilding, Inc.  
                 Cause called and argued by Roger Sleight, counsel for cross-appellant, and  
                 Harry Wartnick, counsel for cross-respondent. Cause ordered submitted.
- A082268     The People,  
                 v.  
                 Zen Rival Bersamina.  
                 Cause called and argued by John Ward, via teleconference, counsel for  
                 appellant, and Deputy Attorney General, Ross Moody, counsel for

respondent. Cause ordered submitted.

COURT ADJOURNED.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday June 18, 1999

DIVISION ONE

**A083650 -- Monroe A. Gross, M.D. v. The Superior Court of the City and County of San Francisco; Medical Board of California, R.P.I.**

**A083960 -- Monroe A. Gross, M.D. v. Medical Board of California.**

The appeal is dismissed. The order to show cause is discharged and the petition for writ of mandate is denied. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

**A085066 -- The People v. Geraldo Torres Esparza.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A087208 -- Andrew Schwartz, et al., v. The Superior Court of Contra Costa County; Alice Burns, R.P.I.**

By the Court: The Petition for writ of mandate /prohibition/stay is denied. Kline, P.J.

**A087244 -- Patrick B. Bell v. The Superior Court of Alameda County; The People of the State of California; R.P.I.**

By the Court: The petition for writ of prohibition/stay is denied. Kline, P.J.

Friday June 18, 1999 (continued)

**A080973 -- The People v. David Cordero.**

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J.

DIVISION THREE

**A080817 -- G.A. "Skip" More v. James Griffin.**

The judgment is affirmed. Plaintiff's motion to dismiss the appeal is denied. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

DIVISION FOUR

**A077077 -- Frederick Newhall Woods v. Leonard Hill Films et al.**

The Court: It is ordered that the opinion filed herein on May 28, 1999, be modified in the following particular: (SEE ORDER.) The petition for rehearing is denied. There is no change in the judgment. Hanlon, P.J. (Not for Publication.)

**A078379 -- The People v. Daryl B. Haynes.**

By the Court: The opinion filed May 20, 1999, is modified by adding the following paragraph on page 18 of the typed opinion, after the paragraph which ends with footnote 2: (SEE ORDER) This modification does not change the judgment. The petition for rehearing is denied. Hanlon, P.J. (Certified for Publication.)

**A085904 -- In re Forrest M., a Person Coming Under the Juvenile Court Law.**

The orders declaring that the minor be continued as a ward of the court and placing him in a nine- month program at the ranch are affirmed. Sepulveda, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

Friday June 18, 1999 (continued)

DIVISION FIVE

**A082857 -- Peter J. Coscarart et al., v. Major League Baseball et al.**

The judgment and order granting MLBP a partial new trial are affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday June 21, 1999

DIVISION ONE

**A081790 -- The People v. Ryan Marshall Lynn.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

**A081780 -- The People v. Efren Figueroa.**

The judgment is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A086739 -- In re Jayla R. and Alexander R., Persons Coming Under the Juvenile Court Law.**

The petition for extraordinary writ is denied on the merits. Since the permanency planning hearing is presently set for July 29, 1999, our decision on the writ petition is final as to this court immediately. (Rule 24(d).) Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Monday June 21, 1999 (continued)

**A080538 -- The People v. George Swan Arlow.**

**A087130 -- In re George Swan Arlow, On Habeas Corpus.**

The judgment of guilt is reversed as to count 2, and the court is directed to conduct an in camera hearing on appellant's *Pitchess* motion consistent with this opinion. If the in camera hearing reveals no discoverable information in the officers' personnel files that would lead to admissible evidence helpful to appellant's defense, the trial court shall reinstate the original judgment. If the in camera hearing reveals discoverable information that could lead to admissible evidence helpful to appellant in defense of the charge, the trial court shall grant the requested discovery and order a new trial on that charge. The entire judgment is reversed for resentencing consistent with this opinion. The petition for writ of habeas corpus is denied. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

### DIVISION THREE

**A083209 -- Sheet Metal Workers' International Association, Local NO. 104 v. Richard A. Biagi.**

By the Court: The petition for rehearing is denied. McGuiness, P.J.

**A082515 -- Louis A. Camacho, et al v. City and County of San Francisco.**

By the Court: The petition for rehearing is denied. McGuiness, P.J.

**A087147 -- Markar Kadir v. The Superior Court for the County of San Mateo; Vikram Anand Sharma, R.P.I.**

By the Court: The petition for writ of certiorari is denied. (McGuiness, P.J., Corrigan, J., & Parrilli, J. participating.) McGuiness, P.J.



Monday June 21, 1999 (continued)

DIVISION FOUR

**A083513 -- Jacob Ryan Horton et al., Minors, etc., v. Conrad House, Inc.**

We affirm the judgment. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J.  
(Not for Publication.)

**A079503 -- The People v. Marvin Norris Read.**

The judgment of the municipal court is affirmed. Hanlon, P.J. We concur:  
Poché, J., Reardon, J. (Not for Publication.)

**A084382 -- In re Robert B., a Person Coming Under the Juvenile Court Law.**

For all the foregoing reasons, the order of the juvenile court is affirmed.  
Sepulveda, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday June 22, 1999

DIVISION ONE

**A083672 -- Yamileth Tabios v. Local 535, a Local Labor Union, etc.; Service Employees International Union, Local 535, AFL-CIO, an Employee Organization v. City and County of San Francisco, etc., et al.**

We accordingly conclude that the trial court's finding of waiver is supported by the evidence, and affirm the judgment. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A083522 -- Blake Wells v. The State of California et al.**

The summary judgments in favor of CCSF and the State are affirmed. Marchiano, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A085156 -- In re Eduardo C., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Marchiano, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

**A082762 -- The People v. John Anthony Holley.**

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

Tuesday June 22, 1999 (continued)

**A082212 -- Eldetco, Inc., v. Pocino Foods Company, Inc.**

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A080889 -- The People v. Kenneth Alan Cunha.**

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

DIVISION THREE

**A084993 -- In re Michael G., a Person Coming Under the Juvenile Court Law.**

We have independently reviewed the record, and find no errors or issues requiring further briefing. Affirmed. Walker, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

DIVISION FOUR

**A084787 -- The People v. George Edward Shockley.**

Judgment affirmed. Reardon, J. We concur: Hanlon, P.J., Poché J. (Not for Publication.)

**A076898 -- The People v. Elvira Klise.**

The judgment is affirmed. Poché J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

**A083519 -- In re George L. et al., Persons Coming Under the Juvenile Court Law.**

The order denying Roxanne's motion to modify and terminating parental rights is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Tuesday, June 22, 1999

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: McGuiness, J., Corrigan, J., Walker, J. and I. Calanoc, Deputy Clerk.

- A073615     The People,  
                 v.  
                 David Dellosso Shore.
- A084095     In re Daniel Dellosso Shore on Habeas Corpus.  
Cause called and argued by Dennis Riordan and Marc Zilversmit, counsels for appellant, and Gregory Ott and Mia Mazza, counsels for respondent. Cause ordered submitted.
- A078741     James F. Santa Maria,  
                 v.  
                 Pacific Bell.  
Cause called and argued by Tomio Narita, counsel for appellant, and James Newman, counsel for respondent. Cause ordered submitted.
- A083036     Teresa Chavez,  
                 v.  
                 Mark A. Gunn, et al.  
Cause called and argued by Michael Coke and Dennis Hanns, counsels for appellant, and Bruce McIntosh and Gary Selvin, counsels for respondents. Cause ordered submitted.
- A080480     Elmer L. Ivins,  
                 v.  
                 Chevron, U.S.A. Products Co., et al.  
Cause called and argued by Edward Niland, counsel for appellant, and Melvin Louis Kennedy, counsel for respondents. Cause ordered submitted.

Court Adjourned.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday June 23, 1999

DIVISION ONE

**A086617 -- In re Nagely Jasmine R., a minor.**

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for July 8, 1999. Therefore, our decision is final in this court immediately. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A084378 -- In re Edsel E., a Person Coming Under the Juvenile Court Law.**

The September 9, 1998 order is affirmed. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A087325 -- Sureshchandra Solanky, dba 77 Deli & Food Mart v. Alcoholic Beverage Control Appeals Board.**

By the Court: The petition for writ of review/stay is denied. Kline, P.J.

**A087328 -- In re Ben Newsom, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Wednesday June 23, 1999 (continued)

DIVISION THREE

**A0872255 -- Bonita Loiler v. Steven Kaminski, M.D.**

The judgment is affirmed. Appellant to bear costs of appeal. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A083701 -- The People v. Richard Ricky Ramirez.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A083558 -- William J. Dakin et al., v. Continental Insurance Company.**

The judgment is affirmed. Costs are awarded to Continental. Parrilli, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A080411 -- Donald C. Smith et al., v. Ron Maldonado et al.**

Order Modifying Opinion; Certification for Publication, The Court: It is ordered that the opinion filed herein on May 26, 1999, may be modified in the following particulars: (see order) There is no change in the judgment. McGuiness, P.J.

**A083758 -- In re Michael S., a Person Coming Under the Juvenile Court Law.**

By the Court: The petition for rehearing is denied. McGuiness, P.J.

DIVISION FOUR

**A083304 -- In re Lance S., a Person Coming Under the Juvenile Court Law.**

The order of the juvenile court is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

Wednesday June 23, 1999 (continued)

**A084472 -- In re Pedro G., a Person Coming Under the Juvenile Court Law.**

The orders are affirmed. Reardon, J. We Concur: Hanlon, P.J., Poché, J.(Not for Publication.)

**A083401 -- The People v. Steven Frazier Johnson.**

The Court: The order denying relief under section 1203.4 is affirmed. Hanlon P.J., Poché, J., Reardon, J. (Not for Publication.) i8

**MINUTES**  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

DIVISION FIVE

Wednesday June 23, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Haning, J., and Stevens, J.; and Mary P. Quilez, Deputy Clerk.

- A084645      Carlyle Yerba Buena Limited Partnership  
                  v.  
                  The Mutual Life Insurance Company of New York  
                  Argument waived. Submission deferred.
- A085012      Melanie Stapper  
                  v.  
                  GMI Holdings, Inc.  
                  Cause called and argued by Stuart B. Esner, counsel for appellant, and by  
                  Warren E. George, counsel for respondent. Cause ordered submitted.
- A083685      Christopher E. Grell et al.  
                  v.  
                  Laci Le Beau Corporation  
                  Cause called and argued by Christopher E. Grell, counsel for appellant, and  
                  by Marsha Morrow, counsel for respondent. Cause ordered submitted.
- A083944      Lawrence J. Less  
                  v.  
                  Arthur L. Foy, Jr.  
                  Cause called and argued by David B. Birenbaum, counsel for appellant, and  
                  by Jeffrey Andrew Chen, counsel for respondent. Cause ordered  
                  submitted.
- A085214      Paul Hoffman, et al  
                  v.  
                  Kathleen Connell  
                  Cause called and argued by Daniel Evans Post, counsel for appellant, and



by Geoffrey F. Margolis, counsel for respondent. Cause ordered submitted.

- A082378      John S. Griswold et al.  
v.  
William H. Sigman et al.  
Cause called and argued by Richard Michael Grabstein, counsel for appellant, and by Thomas Moore, counsel for respondent. Cause ordered submitted.
- A083835      William Marquand et al.  
v.  
Joseph Costarella et al.  
Cause called and argued by James Joseph Ficenec, counsel for appellant, and by Peter H. Ferris, counsel for respondent. Cause ordered submitted.
- A084186      Jerry Sousa  
v.  
Janice Sousa  
Cause called and argued by Janice Sousa, appellant in pro per, argument by teleconference, and by Donald Wayne Bicknell, counsel for respondent, argument by teleconference. Cause ordered submitted.
- A083274      Eva S. Emberton  
v.  
Gordon H. Emberton  
Cause called and argued by Anne Elizabeth Thorkelson, counsel for appellant, and by Stephen M. Sirota, counsel for respondent. Cause ordered submitted.
- A083439      The People  
v.  
Karrelle B.  
Cause called and argued by Donn Ginoza, counsel for appellant, and by Matthew Boyle, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court adjourned at 1:50 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday June 24, 1999

DIVISION ONE

**A084602 -- The People v. Gregario Adelfo Bueno.**

Accordingly, the conviction of exhibition of lewd material to a child (§ 288.2, subd. (a)) charged in count 9 is reversed. In all other respects the judgment is affirmed. Swager, J. We concur: Stein, Acting P.J., Marchiano, J. (Not for Publication.)

**A080339 -- The People v. Mark Alan Howard.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

**A087326 -- City of Richmond v. The Superior Court of Contra Costa County; Contra Costa Newspapers, Inc., R.P.I.**

By the Court: Pending determination of the petition on file herein, and subject to further order of this court, the disclosure of Diane Harrison's Job Status Notice dated November 12, 1998, is temporarily stayed. Kline, P.J.

**A087376 -- Ken Chan v. The Superior Court of San Francisco County; Gregory Kleiman, R.P.I.**

By the Court: The petition for writ of mandate/stay is denied. Kline, P.J.

Thursday June 24, 1999 (continued)

**A087342 -- Michael Steed v. The Superior Court of San Mateo County;  
Charles T. Black et al., R.P.I.**

By the Court: The petition for writ of mandate/prohibition/stay is denied. Kline, P.J.

**A078766 -- Pauline Johnston v. James Rego, et al**

By the Court: It is ordered that the opinion filed herein on June 4, 1999, be modified to add the following sentence at the end of the disposition on page 10: "Each party to bear his or her own costs on appeal." Rego's request that his costs be taxed against Johnston is denied. Kline, P.J.

**A083288 -- Sandra Crawford Zabloky v. St. Helena Hospital.**

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

DIVISION THREE

**A084434 -- The People v. James I. Malnburg.**

The judgment is affirmed. Parrilli, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A081168 -- The People v. Michael Robert Amara.**

**A083626 -- In re Michael Robert Amara on Habeas Corpus.**

Affirmed, with judgment modified to reflect a total sentence of four years. Amara's petition for writ of habeas corpus is denied. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

Thursday June 24, 1999 (continued)

DIVISION FOUR

**A081384 -- Eleodoro Perdiguerra v. Lota Ping; G. Thomas Massery.**

The order is affirmed, with costs to respondent. Hanlon, P.J, Reardon, J., Sepulveda, J. (Not for Publication.)

**A082185 -- Graham Cook v. Gaw, Van Male, Smith, Myers & Miroglio et al.**

The judgment of dismissal is affirmed. Poché, Acting P.J. We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

DIVISION FIVE

**A083289 -- In re Trisheam M., a Person Coming Under the Juvenile Court Law.**

The order of disposition on the supplemental petition is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELATE DISTRICT

Friday June 25, 1999

DIVISION ONE

**A083580 -- The People v. Hong Van Vo.**

. **A085793 -- In re Hong Van Vo, on Habeas Corpus.**

The conviction of receiving stolen property is reversed. The convictions of burglary and petty theft with a prior are affirmed. The petition for writ of habeas corpus is denied. Marchiano, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A083729 -- The People v. Ricardo Jose Estrada.**

The judgment of conviction is affirmed. This matter is remanded to the superior court for resentencing consistent with the views expressed in this opinion. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

DIVISION TWO

**A083571 & A084219 -- Creative Communications v. Fisher Friedman Associates.**

The judgment is reversed. Costs on appeal are awarded to appellant. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A080943 -- The People v. James Anthony Jackson.**

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

Friday June 25, 1999 (continued)

**A081830 -- Tracey Hobson v. Raychem Corporation et al.**

The judgment is affirmed and costs are awarded to Raychem.. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A082455 & A083599 -- Marc Pearl v. Pacific Bell et al.**

We affirm the judgment and Pearl is to pay costs. Lambden J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

DIVISION THREE

**A082746 -- The People v. Cecilia Marie Walker.**

The judgment is affirmed. Corrigan Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday June 28, 1999

DIVISION TWO

**A084649 -- Susan Love et al., v. Kristofer Gustafson et al.**

The appeal is dismissed in its entirety. The Gustafsons to recover costs on appeal. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

**A083195 -- The People v. Kao Fihn Saechao.**

The judgment is affirmed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A078741 -- James F. Santa Maria v. Pacific Bell et al.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A084604 -- The People v. Thomas Michael Joyce.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A079259 -- The People v. Hector Fernando Guzman.**

Reversed. Walker, J. We concur: McGuiness, P.J., Parrilli, J. (Certified for Publication.)



Monday June 28, 1999 (continued)

DIVISION FOUR

**A083977 -- The People v. Doren Deney Olson.**

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

DIVISION FIVE

**A086906 -- Amherst Restaurant Associates, et al., v. The Superior Court of Marin County; William D. Hamill, R.P.I.**

Let a peremptory writ of mandate issue commanding respondent, the Superior Court Marin County, to set aside and vacate the portion of its order of April 21, 1999, in *Northeast Trading Corporation v. William D. Hamill, et al.*, (Super. Ct. Marin County, 1998, No. 174847) which grants real party in interest's motion for summary adjudication his third cause of action, and to enter a new and different order denying the motion for summary adjudication. Petitioners are awarded their costs in this writ proceeding. (Cal. Rules of Court, rule 56.4.) Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

**A086623 -- Bryan M., v. The Superior Court of Contra Costa County; Contra Costa Department of Social Services; R.P.I.**

The petition for extraordinary writ review and request for stay are denied on their merits. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the order setting a hearing under section 366.26. (§ 366.26, subd. (l).) Because the section 366.26 hearing is set for July 15, 1999, our decision is final as to this court immediately. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday June 29, 1999

DIVISION THREE

**A085131 -- The People v. Jose Irizarry.**

Jose Irizarry appeals from a judgment and sentence following pleas of no contest and admission of prior convictions. His counsel has raised no issues and seeks review under *People v. Wende* (1979) 25 Cal.3d 436. We have conducted such a review and affirm. There are no meritorious issues to be argued. Corrigan, J. We concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

**A082901 -- The People v. Robert Lewis Ornelas.**

The judgment is affirmed. Corrigan, J. We concur: McGuinness, P.J., Walker, J. (Not for Publication.)

**A079540 -- Anthony J. Ciccolini et al., v. Evelyn Egger.**

We reverse in part and affirm in part. The trial court shall modify the judgment to strike the punitive damages award of \$25,000 and to reflect that the transfer of the San Francisco properties is set aside or annulled to the extent necessary to satisfy the correct amount of the Ciccolinis' judgment in the sum of \$108,157.08 (\$141,951.64-\$33,794.56). Each party to bear its own costs. Walker, J. We concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

DIVISION FOUR

**A084751 -- The People v. Terrill B. Lee.**

The order is affirmed. Hanlon, P.J. We concur: Poché, J., Sepulveda, J. (Not for Publication.)

Tuesday June 29, 1999 (continued)

**A083272 -- In re Daniel C., a Person Coming Under the Juvenile Court Law.**

The order terminating parental rights is affirmed. Hanlon, P.J. We concur:  
Poché, J., Reardon, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR

Tuesday, June 29, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., and Poche, J.; Channing Hoo, Deputy Clerk; Elizabeth Swanson, Bailiff.

A079691      People  
                  v.  
                  Brendell Levi  
Each counsel confirmed waiving Justice Sepulveda's presence. Ann Hopkins argued for appellant Levi. Amy Haddix argued for respondent. Submitted.

A082542      People  
                  v.  
                  Larry Clifton White, Jr.  
After the hearing was calendared, appellant waived oral argument.

The court adjourned at 10:12 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday June 30, 1999

DIVISION ONE

**A084339 -- William J. Fisette v. Sally Reed.**

By the Court: The written opinion which was filed on June 16, 1999, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is ordered published in the official reports. Strankman, P.J.

**A084243 -- In re Selena R., a Person Coming Under the Juvenile Court Law.**

The orders denying the section 388 petition and terminating parental rights are affirmed. Marchiano, J., We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

**A082995 -- The People v. Lionel Dixon, Jr. et al.**

The judgments of conviction are affirmed. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

DIVISION TWO

**A083410 -- The People v. Ronald Allan Massaro.**

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A084257 -- In re Tajai A., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Wednesday June 30, 1999 (continued)

**A085261 -- In re Marcus M., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

DIVISION THREE

**A083036 -- Teresa Chavez v. Mark A. Gunn.**

The judgment is affirmed. Corrigan, J. We concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

**A080480 -- Elmer L. Ivins v. Chevron, U.S.A. Products Co. et al.**

The judgment is affirmed. Corrigan, J. We concur: McGuinness, P.J., Parrilli, J.

DIVISION FOUR

**A083912 -- The People v. Carlton McCoy.**

The order of recommitment is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

**A085435 -- The People v. Mary Eva Crawford.**

The search condition as a term of Crawford's probation is ordered stricken. In all other respects, the judgment of conviction is affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

Wednesday June 30, 1999 (continued)

DIVISION FIVE

**A083940 -- The People v. Robert Lane Lewis et al.**

The judgments are affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

**A083704 -- The People v. Fabio Fernandez.**

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)